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September 19, 2011

The Honorable Sterling Johnson, Jr.
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

By Facsimile and ECF

Re: *McNamee v. Clemens*; No. 09-CV-1647 (EDNY) (SJ) (CLP)

Dear Judge Johnson:

I am counsel for Defendant William Roger Clemens in the above-referenced case. This case is set for a status conference on September 22, 2011 at 9:30 a.m.

On February 3, 2011, this Court granted the Defendant's unopposed motion to stay this civil case pending the conclusion of a criminal case against the Defendant in the United States District Court for the District of Columbia. The trial of the Defendant's criminal case began on July 5, 2011 and ended when a mistrial was granted on July 14, 2011. The district court has rescheduled Defendant's criminal trial for April 17, 2012.

Counsel for Plaintiff Brian McNamee and I are writing to seek clarification regarding the stay in this case. We understand and agree that the stay entered on February 3, 2011 will remain in effect until a verdict is returned in the Defendant's criminal trial. We also understand and agree that the stay covers all potential filings and discovery, including Defendant's answer and a motion to disqualify Defendant's counsel that Plaintiff intends to file. Finally, we understand and agree that Defendant will not default, and neither side will waive any arguments or defenses, by waiting up to but no longer than 45 days after the verdict is returned in Defendant's criminal trial to answer or assert arguments and defenses.

Please let us know if our understandings and agreements are unacceptable. If our understandings and agreements are acceptable, please let us know whether the Court will still hold the status conference on September 22, 2011. If so, we respectfully request permission to participate by telephone.

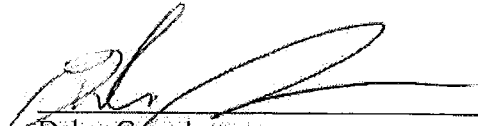
Honorable Sterling Johnson, Jr.
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Thank you for your attention to these matters.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joe Roden", written over a horizontal line.

Joe Roden,
on behalf of William Roger Clemens

A handwritten signature in black ink, appearing to read "Debra Greenberger", written over a horizontal line.

Debra Greenberger,
on behalf of Brian McNamee